

**RESOLUTION OF THE PLANNING BOARD
OF THE
TOWNSHIP OF WEST ORANGE**

Decided: June 5, 2013
Memorialized: July 9, 2013

**APPROVAL OF APPLICATION
BOW AND ARROW MANOR INCORPORATED.
AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL
111 PROSPECT AVENUE
BLOCK: 151, LOTS: 17.01 and 15.03, ZONE: B-2
APPLICATION NO. PB-13-09**

WHEREAS, Bow and Arrow Manor Incorporated ("Applicant") having made application for amended preliminary and final site plan approval to the Township of West Orange Planning Board (Application #PB-13-09) regarding property located at 111 Prospect Avenue, West Orange, NJ (the "Premises"), and known as Lots 17.01 and 15.03 in Block 151 on the tax map of the Township of West Orange; and

WHEREAS the Board having accepted jurisdiction based upon proof of publication and notices provided in accordance with the Municipal Land Use Law; and

WHEREAS, a public hearing having been conducted at a meeting held on June 5, 2013 and the Applicant having appeared and been represented by Robert Williams, Esq. and the Board having heard testimony of the Applicant's witnesses J. Michael Petry, PE, PP and Scott Winger, RA, and the Board having considered the memorandum from Acting Board Planner Paul Grygiel, PP dated May 14, 2013 and considered the exhibits submitted by the Applicant, and granted an opportunity for the public to be heard, and having deliberated on the merits of the application;

NOW, BE IT RESOLVED AS FOLLOWS:

EVIDENCE SUBMITTED

The following evidence was submitted in connection with the application and considered by the Board:

1. The Board received the application and documents submitted therewith, including (i) a West Orange Planning Board Application with Schedule 4F Exhibits to Application, (ii) Proposal, (iii) PB Resolutions 92-10, 96-08, 97-21 and 12-31T, (iv) ZB Resolutions 98-07 and 99-10, (v) Checklist, (vi) Tax Map,

(vii) site plan drawings prepared by Petry Engineering, LLC dated January 23, 2013 (SP1-SP6; (viii) survey prepared by ZL Land Surveying, LLC dated April 20, 2013 (2 sheets); and (ix) architectural drawings prepared by WSW/Associates last revised January 22, 2013 (AO.01 and AO-02).

2. The Board accepted the following exhibits into evidence:

- A-1 - Boundary Survey, Zdravko Lucin, LS, ZL Land Surveying LLC;
- A-2 - Overall Plan (including overall shared parking), J. Michael Petry, PE, PP, RA, Petry Engineering, LLC dated 1/24/13;
- A-3 - Ala-Cart Dining Drop Off – Layout Sheet and Associated Details, J. Michael Petry, PE, PP, RA, Petry Engineering, LLC dated 1/24/13;
- A-4 - Grading Plan, J. Michael Petry, PE, PP, RA, Petry Engineering, LLC dated 1/24/13;
- A-5 - Lighting & Landscaping Plan, J. Michael Petry, PE, PP, RA, Petry Engineering, LLC dated 1/24/13;
- A-6 - Sheet No. A2-1.02, Second Floor Phase 2 Garden Room, W. Scott Winger, AIA, WSW Associates, dated 11/7/12;
- A-7 - Sheet No. A2-6.00, Elevations Phase 2, W. Scott Winger, AIA, WSW Associates, dated 5/6/13;
- A-8 - Color Rendering of Existing Elevation and Proposed Elevations with partial floor plans by Jesse J. Gardner Inc. dated 6/5/13 (3 sheets).

3. Applicant's attorney Robert Williams, Esq. opened the presentation by noting that Applicant was seeking amended preliminary and final site plan approval with a variance for lot coverage.

4. J. Michael Petry was sworn and qualified as an expert in engineering and planning. He noted that the property is located on the west side of Prospect Avenue and has been at that location for over 60 years. In the 1990's the property was subdivided for a Residence Inn and when that happened a cross-easement for parking was created reserving 124 spaces for the Applicant. The Applicant is a restaurant and banquet hall facility with a total seating capacity of 1,404. There is a principal main building and two other out buildings on site. Mr. Petry testified that the present application will not affect the conditions of the prior approvals and is mostly renovations which include enclosing a portion of an existing upstairs outdoor roof patio as a banquet room for 95-100 people, which is the first stage, and adding a connector breezeway between the main building and a residential structure which will be converted into an a la carte dining area. Other renovations include installing an elevator, a new women's bathroom and reconfiguring the banquet spaces previously approved under Resolution PB-12-31 dated January 2, 2013.

With regard to planning testimony he stated that building coverage is presently 12.22% and 12.41% is proposed which is within the 40% allowed. Impervious

surface is presently 63.38% and 64.51% proposed, an increase of 1.13%. Part of the reason for the increase is that the ordinance requires the drive aisle to be 12 feet wide and the renovations include a new drop off area in front of the a la carte facility. He stated that although the Applicant will be using pavers which are partially pervious that the ordinance does not recognize that they are permeable. He stated that the new drive will improve circulation, improve safety for pedestrian and vehicular traffic and the new connector will also be a visual improvement. He opined that the proposed improvements offer no substantial detriment to the public good or impairment of the intent and purpose of the zone plan.

5. Scott Winger was sworn and qualified as an expert in architecture. He stated that the intent of the improvements was to maintain the Colonial style architecture of the buildings. The connector between the main building and the a la carte dining facility will be made of glass with metal frame and copper-like roof. The new rooftop terrace enclosure will have a brick base with stucco wall and a metal roof. He noted that the intention was to keep within the "architectural language" of the existing structures.

In response to Board questions Mr. Winger stated the Applicant would consider adding brick in other areas and would take that suggestion under advisement. The stucco material would be a smooth synthetic.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

6. The subject premises are located in the B-2 business zone and the existing restaurant/banquet facility is a permitted use in the zone.

7. The property is located in an area surrounded by an office building, Eagle Rock Reservation, the Inn at the Manor and residential homes.

8. Applicant seeks amended site plan approval to make changes to the existing facility. In addition to interior renovations Applicant seeks to enclose a portion of a rooftop terrace and turn it into a 95-100 seat dining room, and also to construct a glass breezeway between the a la carte dining room in the main building and a carriage house which is being converted into reception/bar area to service the a la carte dining room. A landscaped wall and terrace are proposed in the rear of the connector.

9. The evidence before the Board indicates that the Applicant has been in business at this location for many years and there have been several previous planning and zoning board applications for the Applicant as it has sought to expand and renovate the facilities on its 8+-acre site.

10. Applicant proposes to “phase” the project in order to keep the business open and operating during construction, as there are existing engagements for wedding receptions, parties and other events.

11. The proposed renovations will not expand the existing use. The total occupancy for all areas after renovations will remain at 1404 persons as previously approved under Resolution PB-96-08. None of the existing non-conforming conditions will be worsened except for impervious coverage, which will be increased by 1.13% from 63.38% to 64.51% requiring variance relief.

12. The Board finds that the variance relief requested is warranted under the circumstances. Applicant is engaged in ongoing renovations and upgrades to its facilities, which renovations do not increase the maximum capacity but only serve to reconfigure and improve their space. The site is over 8 acres so that the increase in driveway impervious coverage will not have a deleterious effect upon the neighbors. The improvements will advance the attractiveness, functionality and economic viability of the Applicant, which has a positive impact upon the area. The new breezeway will improve safety for crossings between the two buildings it connects. Overall, the benefits of the minor variance outweigh the detriments without significant detriments to the neighborhood, zone plan or ordinance.

THE DECISION

WHEREAS, the Board, having reviewed the application for amended preliminary and final site plan approval and a variance in connection with an existing restaurant/banquet facility. and having considered the impact of the proposed application on the Township’s master plan and zoning ordinance and the surrounding property owners, and having considered whether the proposal complies with and furthers the goals of the land use and zoning ordinances of the Township of West Orange and the Municipal Land Use Law; and upon the imposition of specific conditions to be fulfilled, hereby, concludes that good cause has been shown to approve the application.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of West Orange that the application for amended preliminary and final site plan approval all as set forth in the plans, reports, representations, testimony, stipulations and Exhibits offered by the Applicant is granted subject to the following conditions:

1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or permits. Without limitation of the foregoing, prior to the signing of the approved site plans, and prior to the commencement of any land

disturbance or construction, the Applicant shall submit to this Board, with a copy to the Board Engineer, proof that it has obtained all required governmental approvals.

2. If another governmental entity or agency grants a waiver or variance affecting the plans and/or exhibits submitted by the Applicant, this approval or the conditions attached to it, then the Applicant shall re-apply to this Board respecting the same and this Board shall have the right to view that issue as it relates to this approval and these conditions and modify and amend same, if appropriate.

3. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successors or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.

4. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution.

5. The Applicant shall pay all outstanding taxes, tax liens, application fees and technical review fees, as well as any inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification or this approval shall be deemed withdrawn.

6. All notes included in the approved plans, including notes required by this Resolution, shall be deemed conditions of approval having the same force and effect as conditions expressly set forth in this Resolution.

7. All conditions of all prior approvals remain in full force and effect except as modified herein.

8. Applicant to comply with all affordable housing obligations arising out of this approval.

Certified to be a true copy of the Resolution adopted on the 9th day of July 2013.



Robin Miller, Secretary

Vote on the Action Taken by the Board – PB-13-09/Bow and Arrow Manor, Incorporated

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
CARLUCCI			*			
EBEN (1 st Alt.)			*			
GHEBREMICAEL						*
GURLAND			*			
HELLER			*			
KLEIN (2 nd Alt.)						
LESTER			*			
MCCARTNEY		*	*			
WESTON			*			
WILKES			*			
BAGOFF	*		*			

Vote on the Memorializing Resolution – PB-13-09/Bow and Arrow Manor, Incorporated

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
BAGOFF			*			
CARLUCCI						*
EBEN (1 st Alt.)						*
GHEBREMICAEL						
GURLAND			*			
KLEIN (2 ND Alt.)						
LESTER						*
MCCARTNEY		*	*			
WESTON			*			
WILKES						*
HELLER	*		*			